

REMARKS

Claims 1-4 are now pending in this application for which applicants seek reconsideration.

Amendment

Claim 3 has been amended in order to overcome the rejection under 35 U.S.C. §112.

Allowable Claims

Claim 3 was indicated to be allowable if placed in independent form. Because claim 3 was dependent on multiple parent claims, a new claim, claim 4, has been added. As these have been placed in independent form, they are in condition for allowance.

Art Rejection

Claims 1-2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Inamura (USP 6,800,044) in view of Miyagawa et al. (USP 6,547,694.) The examiner argues that Inamura inherently discloses that the control unit calculates the value of the line pressure according to the oil amount balance of the oil pump relative to the engine speed and controlling the line pressure according to the calculated line pressure. The examiner has applied Miyagawa et al. to in part provide an engine speed detecting means.

Applicants submit that Inamura could not possibly inherently consist of the claimed hydraulic control section since it does not even disclose the claimed engine speed detecting means. While the control unit inherently contains some calculations, Inamura does not disclose the particular claimed calculations. In fact, neither Inamura nor Miyagawa et al., taken alone or in combination, disclose detecting a change in the driving range and "calculating a value of the line pressure according to oil amount balance of said oil pump relative to the engine speed and controlling the line pressure according to the calculated value of the line pressure" as claimed.

Claim 2 also stands rejected under 35 U.S.C. §103(a) as being unpatentable over Inamura in view of Miyagawa et al. as applied to claim 1 above, and further in view of Murono et al. (JP 401153851). We note that Murono et al. fails to overcome the deficiencies of Inamura as set forth above.

Applicants note that Miyagawa et al. qualifies as prior art under 35 U.S.C §102(e). Applicants further note that Miyagawa et al. is assigned to Jatco Ltd, pursuant to a name change recorded on February 12, 2003 (Reel 013429/Frame 0230). Miyagawa et al. was filed on March 14, 2001. The present application is also assigned to Jatco Ltd and was filed on

September 12, 2003. Accordingly, Miyagawa et al. cannot be applied under 35 U.S.C. §103, pursuant to 35 U.S.C. §103(c).

Conclusion

Applicants submit that claims 1-4 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,  
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DATE

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